



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUL 16 2001

Department of the Interior Acquisition Policy Release (DIAPR) 2001 - 3

Subject: **DEPARTMENTWIDE LEGAL REVIEW STANDARDS FOR
ACQUISITION AND ACQUISITION-RELATED ACTIONS**

1. **Purpose.** This policy release establishes Departmentwide legal review standards for acquisition and acquisition-related actions based upon Federal Acquisition Regulation (FAR), and Department of the Interior Acquisition Regulation (DIAR) requirements and Departmental policy. The attached policy agreement between the Director, Office of Acquisition and Property Management and the Acting Deputy Solicitor is incorporated by reference in DIAR 1401.7001-2(a), Legal review by the Office of the Solicitor.
2. **Effective Date.** This DIAPR is effective upon issuance.
3. **Expiration Date.** The legal review standards will be reviewed and updated annually to implement related FAR and DIAR legal review requirements and Departmental policy.
4. **Background and Explanation.** In the past, each Department of the Interior (DOI) head of contracting activity coordinated separate legal review agreements for contract-related actions with the Office of the Solicitor. The types of contract actions to be reviewed in accordance with the individual agreements were *in addition to* the standard requirements for legal review or concurrence specified in the FAR and DIAR.

Since 1997, a number of Interior bureaus have requested that the various legal review thresholds be standardized Departmentwide, and raised based on improved independent review processes within Interior contracting offices and significant changes to the Federal acquisition process resulting from enactment of the Federal Acquisition Streamlining Act of 1994, the Clinger-Cohen Act, and other acquisition reform statutes. The initiative to standardize review procedures and raise legal review thresholds was unanimously adopted by the Interior Acquisition Managers' Partnership (AMP).

On May 12, 2001, the Acting Deputy Solicitor concurred with the attached standardization proposal, formulated in consultation with the AMP and the Office of the Solicitor, and submitted by the Director, Office of Acquisition and Property Management. The legal review policy for acquisition and acquisition-related transactions contained in the memorandum's attachments is effective as of the issuance date of this DIAPR.

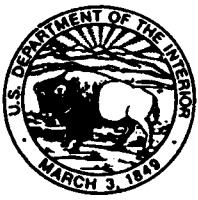
Requests for deviations to the attached standards may be made in accordance with DIAR 1401.403, Individual deviations, or 1401.404, Class deviations.

Please contact Patricia Corrigan of the office on 202-208-1906 if you have any questions regarding this policy release.

A handwritten signature in black ink, reading "Debra E. Sonderman". The signature is fluid and cursive, with the first name "Debra" and last name "Sonderman" clearly legible, and the middle initial "E." in the center.

Debra E. Sonderman, Director
Office of Acquisition and Property
Management and Senior Procurement
Executive

Attachment



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

FEB 2 2001

Memorandum

TO: Timothy Elliott
Acting Deputy Solicitor

FROM: Debra E. Sonderman, Director, *Debra E. Sonderman*
Office of Acquisition and Property Management

SUBJECT: **PROPOSED DEPARTMENTWIDE STANDARDIZATION OF LEGAL
REVIEW PROCESS FOR PROCUREMENT ACTIONS**

For over twenty years, each Department of the Interior (DOI) head of contracting activity has coordinated with the Associate Solicitor for General Law in determining on a bureau-by-bureau basis, the types of contract actions to be reviewed by the Office of the Solicitor, and to establish bureau specific procedures for such reviews. (The types of contract actions to be reviewed in accordance with the individual agreements were *in addition to* the standard requirements for legal review or concurrence specified in the Federal Acquisition Regulation and its DOI supplement, the Department of the Interior Acquisition Regulation (DIAR).)

Since 1997, the Bureau of Reclamation, U.S. Fish and Wildlife Service, and other bureaus have requested that the various legal review thresholds be standardized Departmentwide, and raised based on improved independent transaction review processes within DOI contracting offices and significant changes to the Federal acquisition process resulting from enactment and implementation of the Federal Acquisition Streamlining Act of 1994, Clinger-Cohen Act, and other statutes e.g., raising the simplified acquisition threshold from \$25,000 to \$100,000; use of simplified acquisition procedures for commercial transactions up to \$5 million.

The request for standardized review procedures and raised legal review thresholds has since been unanimously adopted by the DOI Acquisition Managers' Partnership (AMP) and is supported by the Office of Acquisition and Property Management. Representatives from the Office of the Solicitor have also been receptive to the proposal.

A copy of the proposed Departmentwide legal review policy for acquisition and acquisition-related transactions is attached for your review and consideration. Your support for the proposal is requested, as it is the DOI acquisition community's belief that standardized legal review procedures would streamline processes within DOI and bring them in line with the practices of other Federal agencies.


The proposed higher dollar thresholds for legal review are based on AMP recommendations and Interior Procurement Data System (IPDS) research by this office to ensure that a representative sampling of bureau contract actions receive appropriate legal review. Because it awards fewer, higher dollar contract actions, the Office of Surface Mining's legal review threshold will be lower than that of other DOI bureaus under the proposed legal review standards. (This is to ensure that no less than 15 percent of its contract actions receive legal review.) In addition, the standards will not apply to contract actions awarded by the newly-created contracting activity within the Office of the Special Trustee for American Indians (OST). Presently, the supporting Solicitor's Office reviews all of OST's procurement actions over \$100,000 prior to solicitation and contract award, and during the contract administration phase.

I, representatives of my staff and members of the Acquisition Managers' Partnership would be happy to discuss this request and answer any questions that you may have. Please contact me on 208-6352 if you wish to discuss the proposal.


Attachment

Office of the Solicitor Concurrence with Proposal (Please check one)

☒ Concur ☐ Do Not Concur



Timothy Elliott
Acting Deputy Solicitor



Date

DEPARTMENTWIDE LEGAL REVIEW POLICY
FOR ACQUISITION AND ACQUISITION-RELATED
TRANSACTIONS

The following acquisition and acquisition-related transactions will be submitted by Department of the Interior bureaus and offices for **prior** legal review, advice, and/or concurrence to their local Office of the Solicitor. Matters relating to the legal reviews that cannot be resolved by the contracting officer and the attorney-advisor must be submitted for resolution to the bureau/office Head of Contracting Activity and the Associate Solicitor, Division of General Law. To the extent practicable, actions requiring legal review and resulting legal approvals, advice and findings, will be transmitted and provided in an electronic format.

Unless an expedited review has been requested by the contracting officer or the reviewing attorney advises the contracting officer that a time extension is necessary, the local Office of the Solicitor will perform the review of the actions identified in items 1 through 6, below, within seven (7) working days after receipt by the Solicitor's Office:

1. All proposed solicitations in excess of \$500,000 (non-commercial items)/\$2 million (commercial items). (As applicable to the: (1) Office of Surface Mining: all proposed solicitations in excess of \$300,000 (non-commercial items)/\$2 million (commercial items); (2) Office of the Special Trustee for American Indians: all proposed solicitations in excess of \$100,000 (non-commercial *and* commercial items.))
2. All proposed negotiated contractual documents prior to award on acquisitions in excess of \$500,000 (\$100,000 if oral presentations will be used). (As applicable to the: (1) Office of Surface Mining: all proposed negotiated contractual documents prior to award on acquisitions in excess of \$300,000 (\$100,000 if oral presentations will be used); (2) Office of the Special Trustee for American Indians: all proposed negotiated contractual documents prior to award on acquisitions in excess of \$100,000 regardless of whether oral presentations will be used.)

The documents submitted for review should include but are not limited to: (a) the technical and price negotiation memoranda; (b) proposal of the apparent successful offeror; (c) any audits or waivers of audit; (d) the Government estimate for work performance; and (e) proposed contract.

3. All proposed modifications in excess of \$500,000. (As applicable to the: (1) Office of Surface Mining: all proposed modifications in excess of \$300,000; (2) Office of the Special Trustee for American Indians: all proposed modifications in excess of \$100,000.)

The documents submitted for review should include but not be limited to: (a) the proposed modification; (b) contractor's proposal for modified work; (c) the Government estimate for performing the modified work; (d) negotiation memorandum; (e) all justifications for entering into the modification; and (f) any audits or waiver of audits.

4. All proposed modifications in excess of \$500,000, when the cumulative total of all modifications exceeds 30% of the original contract price. (As applicable to the: (1) Office of Surface Mining: all proposed modifications in excess of \$300,000, when the cumulative total of all modifications exceeds 30% of the original contract price; (2) Office of the Special Trustee for American Indians: all proposed modifications in excess of \$100,000, when the cumulative total of all modifications exceeds 30% of the original contract price.)

5. Any proposed modification which, in the opinion of the contracting officer, is not within the scope of the contract.

6. All acquisitions in excess of \$500,000 proposed for award under other than full and open competition. (As applicable to the: (1) Office of Surface Mining: all acquisitions in excess of \$300,000 proposed for award under other than full and open competition; (2) Office of the Special Trustee for American Indians: all acquisitions in excess of \$100,000 proposed for award under other than full and open competition.)

The documents submitted for review should include but not be limited to: (a) technical and price memoranda; (b) proposed contractor's proposal; (c) any audits or waivers of audit; (d) the Government estimate for work performance; and (e) the proposed contract. Legal review shall take place prior to review and certification by the bureau competition advocate.

The following items shall also be submitted for prior legal review, advice, and/or concurrence within a time period consistent with the facts and complexity of the transaction under review. Expedited review may be requested by the contracting officer.

7. All proposed legal services solicitation and award documents.

8. All proposed correspondence with the General Accounting Office (GAO) and the Department of Justice involving legal issues or questions related to acquisition or acquisition policy.

9. All proposed show cause and cure notices, in addition to Terminations for Default, or Terminations for Convenience of the Government, as required by FAR Part 49 and DIAR 1449.

10. Suspected cases of procurement fraud or criminal violation.

11. All proposed Economy Act determinations and Inter/Intra-agency Agreements over \$500,000. (As applicable to the: (1) Office of Surface Mining: all proposed Economy Act determinations and Inter/Intra-agency Agreements over \$300,000; (2) Office of the Special Trustee for American Indians: all proposed Economy Act determinations and Inter/Intra-agency Agreements over \$100,000.)

12. Requests for ratification of unauthorized commitments over the micropurchase threshold and any nonratifiable commitments regardless of transaction dollar amount.
13. All proposed notices and instruments of assignment, reassignment and assignment releases.
14. All proposed determinations of bidder nonresponsiveness including all correspondence and the affected bid(s) when award is anticipated to be made to other than the low bidder.
15. All proposed Appeals and Rule 4 files (Appeal Files) prior to forwarding to the Board of Contract Appeals.
16. All proposed lease agreements for office buildings, warehouses, and like facilities over \$10 million.
17. All proposed non-routine written communication involving issues related to an appearance of an organizational conflict of interest.
18. All acquisition or acquisition-related actions not identified above, expressly requiring legal review, advice and/or concurrence pursuant to statute, the Federal Acquisition Regulation, Department of the Interior Acquisition Regulation, Departmental Manual or Executive policy. (See Appendices 1 and 2 for legal counsel, advice, and/or concurrence requirements as stated in the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation.)

In addition, the above requirements for prior legal review do not affect the right and responsibility of contracting officials to submit other actions for legal review or to consult with representatives from the Office of the Solicitor on any acquisition transaction regardless of its amount or type, when they deem such review or advice desirable.

Each bureau/office may establish a supplementary legal review policy below the thresholds identified above, with the agreement of the appropriate local Office of the Solicitor to ensure that a reasonable sampling of contracts is reviewed. This option may also be invoked for a bureau/office by the Office of Acquisition and Property Management, Office of the Solicitor, or bureau/office management based upon compliance review findings, identification of high risk areas, or as part of a corrective action plan.

Attachments

File:(A:\Corrigan\solrc2)

NOTE: The following listings of Federal Acquisition Regulation and Department of the Interior Acquisition Regulation Requirements/Guidance Regarding Legal Counsel/Legal Advice and/or Concurrence include all FAR legal review requirements in effect up to and including Federal Acquisition Circular (FAC 97-17). The listings are subject to change without notice based upon FAR and/or DIAR changes. Contracting officials are ultimately responsible for ensuring that they obtain legal review, advice and/or concurrence for acquisition and acquisition-related transactions based on the most current requirements of the Federal Acquisition Regulation, Department of the Interior Acquisition Regulation, Departmental Manual or Executive policy.

**Federal Acquisition Regulation Citations Where Legal Counsel/Legal Advice and/or
Concurrence are Required or Recommended
[Current as of FAC 97-17]**

<u>FAR Citation</u>	<u>Subject</u>
1.602-3(c) (5) and (d)	Ratification of Unauthorized Commitments and Nonratifiable Commitments. Legal concurrence/advice warranted. (See also DIAR 1401.602-3(c)(5) and (d) for applicable dollar thresholds.)
Part 3	Improper Business Practices and Personal Conflicts of Interest. (See DIAR 1403.204(b), 1403.303(f)(1), 1403.409(b)(4), and 1403.705(d))
7.104(a)	Acquisition Planning. General Procedures. As applicable, seek participation from legal representatives in acquisition planning process. (No dollar thresholds referenced)
Part 9	Contractor Qualifications. Debarment and Suspension. (See DIAR 1409.406-3(a) and 1409.407-3(a))
12.404(a)(3)	Acquisition of Commercial Items. Warranties-Consultation with legal counsel prior to asserting any claim for a breach of an implied warranty (No dollar thresholds referenced)
Part 14	Sealed Bidding:
14.407-3(f)	Other Mistakes Disclosed Before Award- Proposed determinations shall have the concurrence of legal counsel (No dollar thresholds referenced) (Also covered in DIAR 1414.406-3(c))
14.407-4(d)	Mistakes After Award-Proposed determinations shall be coordinated with legal counsel (No dollar thresholds referenced) (Also covered in DIAR 1414.406-4(d))

FAR Citation**Subject**

- 15.303(b)(1) **Contracting by Negotiation.** Source Selection. Responsibilities. As applicable, seek participation from legal representatives in forming source selection evaluation teams.
- 17.504(d)(3) **Special Contracting Methods.** Economy Act - Ordering Procedures-responsibility for legal compliance (No dollar thresholds referenced in FAR, but Departmentwide threshold is established in revised Departmentwide legal review requirements and in DIAR 17.502(a) for legal review of Economy Act actions over \$500,000 (over \$300,000 for the Office of Surface Mining, and \$100,000 for the Office of Special Trustee for American Indians)).
- Part 27
27.208(g) **Patents, Data, and Copyrights:**
Patents, Data, and Copyrights-Use of Patented Technology Under NAFTA
When questions arise regarding the notice requirements or other matters relating to this section, the CO should consult with legal counsel.
- 27.209(b) Patents, Data and Copyrights-Use of Patented Technology Under GATT- The CO should consult with legal counsel regarding questions under this section. (No dollar thresholds referenced)
- (See also DIAR 1427.205(a), Adjustment of Royalties, and DIAR 1427.3, Patent Rights Under Government Contracts.)
- Part 28
28.203(f) **Bonds and Insurance:**
Acceptability of Individual Sureties-CO's shall obtain the opinion of legal counsel as to the adequacy of the documents pledging the assets prior to accepting the bid guarantee and payment and performance bonds (No dollar thresholds referenced)
- 28.203-1(b)(1)(i) Surety Interests by an Individual Surety-CO's shall send written demand for withdrawal to financial institution after obtaining concurrence of legal counsel (No dollar thresholds referenced)
- 28.203-4 Substitution of Assets-CO may agree to substitution of assets after consultation with legal counsel (No dollar thresholds referenced)
- 28.203-5(a) Release of Lien- CO shall release the security interest on the individual's surety's assets after consulting with legal counsel (No dollar thresholds referenced)

FAR Citation**Subject**

Part 29	Taxes:
29.101(a)	Resolving Tax Problems-When tax questions arise, CO's should request assistance from the agency-designated legal counsel (No dollar thresholds referenced)
29.302(a)	Application of State and Local Taxes to the Government-Whether any specific purchase or lease is immune from State and local taxation is a legal question requiring advice and assistance of the agency-designated counsel. (No dollar thresholds referenced)
29.303(a)	Application of State and Local Taxes to Government Contractors and Subcontractors-Before any activity contends that a contractor is an agent of the Government, the matter shall be referred to the agency head for review. The referral shall include all pertinent data on which the contention is based, together with a thorough analysis of all relevant legal precedents (No dollar thresholds referenced)
	(See also DIAR 1429.3 Taxes - General tax problems/questions and questions regarding application of state and local taxes to Government contractors and subcontractors should be coordinated with the SOL.)
Part 32	Contract Financing:
32.503-14(c)	Progress Payments Based on Costs-Protection of Government Title-If the contractor fails to disclose an existing encumbrance in the progress payment certification, the ACO should consult with legal counsel concerning possible violation of 31 U.S.C. 3729, the False Claims Act (No dollar thresholds referenced)
32.1009(c)	Contract Financing-Title - If the contractor fails to disclose an existing encumbrance in the certification, the CO should consult with legal counsel concerning possible violation of 31 U.S.C. 3729, the False Claims Act (No dollar threshold referenced)
Part 33	Protests, Disputes, and Appeals:
33.102(a)	Protests-CO's shall consider all protests and seek legal advice, whether protests are submitted before or after award and whether filed directly with the agency or the GAO (No dollar thresholds referenced)
33.104(h)(6)	Protests-Award of Costs - Before paying a recommended award of costs, agency personnel should consult with legal counsel (No dollar thresholds referenced)

FAR Citation

Subject

- 33.205(a) Relationship of the Contract Disputes Act to Public Law 85-804 - In case of a question whether the CO has authority to settle or decide specific types of claims, the CO should seek legal advice (No dollar thresholds referenced)
- 33.205(b) Relationship of the Contract Disputes Act to Public Law 85-804 - Due to the complex legal issues likely to be associated with allegations of legal entitlement, contracting officers shall make written decisions, prepared with the advice and assistance of legal counsel (No dollar thresholds referenced)
- 33.211(a)(2) Disputes and Appeals. Contracting Officers Decision - "When a claim by or against a contractor cannot be satisfied or settled by mutual agreement and a decision on the claim is necessary, the CO shall ... secure assistance from legal and other advisors" (No dollar thresholds referenced)
- (See also DIAR 1433, Protests, Disputes, and Appeals: Coordination with SOL throughout these processes is required.)
- 36.608 **Construction and Architect-Engineer Contracts:** Liability for Government Costs Resulting from Design Errors or Deficiencies - When a modification to a construction contract is required because of an error or deficiency in the services provided under an architect-engineer contract, the CO (with the advice of technical personnel and legal counsel) shall consider the extent to which the A-E contractor may be reasonably liable (No dollar thresholds referenced)
- Part 37 **Service Contracting:**
- 37.103(a)(2)and(3) CO Responsibility. The CO shall determine whether the proposed service is for a personal or nonpersonal services contract ... in doubtful cases, obtain the review of legal counsel ... document the file to include the opinion of legal counsel, if any (No dollar thresholds referenced)
- 37.104(e) Personal Services Contracts. When specific statutory authority for a personal service contract is cited, obtain the review and opinion of legal counsel (No dollar thresholds referenced)
- 41.201(e) **Acquisition of Utility Services:** Prior to acquiring utility services on a competitive basis, the contracting officer shall determine, with the advice of legal counsel ... that such competition would not be inconsistent with state law... (No dollar thresholds referenced)

FAR Citation**Subject**

- Part 42
42.703-2(d) **Contract Administration:**
Contract Administration and Audit Services- Certificate of Indirect Costs - False certification - The CO should consult with legal counsel to determine appropriate action when a contractor certificate of final indirect costs is thought to be false (No dollar thresholds referenced)
- 42.902(b) Bankruptcy - Procedures- The CO shall consult with legal counsel prior to taking any action regarding the contractor's bankruptcy proceedings (No dollar thresholds referenced)
- 42.1203(f) Novation and Change of Name Agreements - Before novation and change of name agreements are executed, the CO shall ensure that Government counsel has reviewed them for legal sufficiency. (No dollar thresholds referenced)
- Part 49
49.105(b)(2) **Termination of Contracts:**
Termination of Contracts- Duties of Termination Contracting Officer After Issuance of Notice of Termination - To expedite settlement, the TCO may request advice on legal and contractual matters (No dollar thresholds referenced)
- 49.402-7(b) Termination for Default - Other Damages - If the Government has suffered any other ascertainable damages ... the CO shall, on the basis of legal advice, take appropriate action as prescribed in Subpart 32.6 to assert the Government's demand for the damages (No dollar thresholds referenced in the FAR but \$100,000 has been suggested)
- (See also DIAR 1449.111, Termination of Contracts - Review of Proposed Settlements. All proposed settlement agreements shall be reviewed by the SOL and approved at one level above the CO.)
- Part 50
50.102(c) **Extraordinary Contractual Actions:**
Policy-Public Law 85-804 - Certain kinds of relief previously available under the Act, e.g., rescission or reformation for mutual mistake, are now available under the Contract Disputes Act of 1978. FAR Part 33 must be followed in preference to FAR Part 50 for such relief. In case of doubt as to whether FAR Part 33 applies, the CO should seek legal advice. (No dollar thresholds referenced.)

FAR Citation

Subject

50.403-2(a)

Action on Indemnification Requests- The CO, with assistance from legal counsel ... shall review the indemnification request and ascertain whether it contains all required information (No dollar thresholds referenced)
(See also DIAR 1450.306, Contract Adjustments-Disposition, and DIAR 1450.403-2, Residual Powers-Action on Indemnification Requests.)

NOTE: The following listings of Federal Acquisition Regulation and Department of the Interior Acquisition Regulation Requirements/Guidance Regarding Legal Counsel/Legal Advice and/or Concurrence include all FAR legal review requirements in effect up to and including Federal Acquisition Circular (FAC 97-17). The listings are subject to change without notice based upon FAR and/or DIAR changes. Contracting officials are ultimately responsible for ensuring that they obtain legal review, advice and/or concurrence for acquisition and acquisition-related transactions based on the most current requirements of the Federal Acquisition Regulation, Department of the Interior Acquisition Regulation, Departmental Manual or Executive policy.

**Department of the Interior Acquisition Regulation (DIAR) Citations Where Legal Counsel/Legal Advice and/or Concurrence by the Office of the Solicitor (SOL) are Required or Recommended
[Current as of FAC 97-17]**

<u>DIAR Citation</u>	<u>Subject</u>
1401.602-3(c) and (d)	<p>Ratification of Unauthorized Commitments. Legal concurrence is required prior to ratification of unauthorized commitments over the micropurchase threshold.</p> <p>Legal coordination is also required for nonratifiable commitments (No dollar threshold referenced in either FAR or DIAR)</p> <p>(Supplements FAR 1.602-3(c)(5) and (d))</p>
Part 1403 1403.204(b)	<p>Improper Business Practices and Personal Conflicts of Interest: Contractor Gratuities to Government Personnel - Treatment of Violations- In consultation with the SOL and OIG ... the HCA may recommend action to the Director, PAM pursuant to FAR 3.204(c) (No dollar thresholds referenced) (Supplements FAR reference regarding "agency regulations")</p>
1403.303(f)(1)	<p>Reports of Suspected Antitrust Violations - Reporting- Reports on suspected violations of antitrust laws as required by FAR 33.03 shall be prepared by the CO and reviewed by the SOL (No dollar thresholds referenced for legal review) (Supplements FAR reference regarding "agency regulations")</p>
1403.409(b)(4)	<p>Contingent Fees/ Now in FAR 3.405(b)(4)-Misrepresentation or violations of the Covenant Against Contingent Fees - The CCO shall consult with the SOL prior to forwarding a report of suspected fraudulent or criminal violations regarding contingent fees to the OIG for action. (No dollar thresholds referenced for legal review)</p>

DIAR Citation

Subject

- (1403.409(b)(4) supplements FAR reference regarding "agency procedures")
- 1403.705(d) Voiding and Rescinding Contracts - Procedures - Notice of Proposed Actions
HCA shall give notice of the proposed action following consultation with the SOL and OIG, as appropriate.
- (Supplements FAR reference regarding "agency procedures")
- 1404.7003(e) **Administrative Matters.** Deposit of Contract Publications-Exceptions -
Disclosure materials containing any descriptions, specifications, data, plans or
drawings of any unpatented inventions ... unless an opinion by the SOL has
been rendered which finds that the interests of the Govt. will not be prejudiced
by disclosure of such materials. (No dollar thresholds referenced for legal
review)
(Internal DOI procedure)
- Part 1409
1409.406-3(a) **Contractor Qualifications:**
Debarment - Consultation by HCA with SOL and OIG prior to submitting
debarment recommendation. (No dollar thresholds referenced for legal review)
(Supplements FAR reference regarding "agency procedures")
- 1409.407-3(a) Suspension - Consultation by HCA with SOL and OIG prior to submitting
suspension recommendation. (No dollar thresholds referenced for legal review)
(Supplements FAR reference regarding "agency procedures")
- Part 1414
1414.406-3(c) **Sealed Bidding:**
Other Mistakes Disclosed Before Award-Now FAR 14.407-3(f) - CCO may
make written determination allowing for withdrawal of bid following review
by SOL.
(No dollar thresholds referenced for legal review)
(Direct supplement to FAR requirement for legal review at 14.407-3)
- 1414.406-4(d) Mistakes After Award - Now FAR 14.407-4(d) - Concurrence from SOL is
required prior to CO making administrative decision. (No dollar thresholds
referenced for legal review)
(Direct supplement to FAR requirement for legal review at 14.407-4)
- 1417.502(a) **Special Contracting Methods.** Interagency Acquisitions Under the Economy
Act - CO shall prepare determinations, and for actions exceeding \$500,000,
obtain legal review before submission to HCA for signature. (\$500,000 legal
review threshold is Interior's revised threshold . This section is a supplement
to FAR 17.5 which references "agency procedures.")
(Supplements FAR reference regarding "agency procedures")

DIAR Citation

Subject

Part 1427 1427.205(a)	Patents, Data, and Copyrights: Adjustment of Royalties - CO to report to SOL regarding results of any actions taken in compliance with FAR 27.205. (No dollar thresholds referenced for legal review) (Supplements FAR reference regarding "agency procedures")
1427.3	Patent Rights Under Government Contracts- See Asst. SOL for Procurement and Patents for determinations to sublicense foreign governments or international organizations, contractor appeals of exceptions, other appeals, and licensing background patent rights to third parties. (No dollar thresholds referenced for legal review) [NOTE: As a general rule, Patent, Trademark and Copyrights questions should always be referred to the Asst. SOL for Procurement and Patents] (Supplements FAR references regarding consultation with legal counsel in Subparts 27.2 and 27.3)
1429.3	Taxes. General tax problems/questions and questions regarding application of state and local taxes to Government contractors and subcontractors should be coordinated with the SOL. (No dollar thresholds referenced for legal review) (Supplements FAR guidance in Part 29, i.e., taxes as legal concerns)
1433	Protests, Disputes and Appeals. Coordinate with SOL throughout these processes (No dollar thresholds referenced for legal review/coordination) (Supplements FAR reference regarding "agency procedures")
1449.111	Termination of Contracts. Review of proposed settlements. All proposed settlement agreements shall be reviewed by the SOL and approved at one level above the CO. (No dollar thresholds referenced for legal review) (Supplements FAR reference regarding "agency procedures")
1450 1450.306	Extraordinary Contractual Actions: Contract Adjustments-Disposition-CO shall submit Memorandum of Decision, investigation results, and other FAR 50.306 information to SOL for review prior to submission by HCA to PAM. (No dollar thresholds referenced for legal review)
1450.403-2	Residual Powers- Action on Indemnification Requests - (same legal review requirements as DIAR 1450.306)